

AMENDED IN SENATE JULY 5, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1673**

**Introduced by Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne)**

February 27, 2001

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~~An act to amend Sections 7363, 7860, 8405.4, 8423, 8568, 9001.5, and 9001.6 of, and to add Section 9001.8 to, the Fish and Game Code, and to amend Sections 1700, 2859, 2861, 5521.5, 6430, 7149, 7149.4, 7361, 7362, 7363, 7852.3, 7860, 7881, 8053, 8405.4, 8423, 8552.6, 8601.5, 9001.5, 9001.6, 12002.8, and 12006.6 of, to add Sections 1050.6 and 9001.8 to, and to repeal Section 7149 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1673, as amended, Committee on Water, Parks and Wildlife. Fish: ~~Sea~~ sea cucumbers: permits.

(1) *Existing law authorizes the Department of Fish and Game to exchange or release to any appropriate federal, state, or local agency or agencies in other states, for purposes of law enforcement, any information collected or maintained by the department under specified law.*

*This bill, with specified exceptions, would designate as confidential and not public records, the names and addresses contained in records*

*submitted and retained by the department for the purpose of obtaining recreational fishing and hunting licenses.*

*(2) Existing law requires the department to submit to the Fish and Game Commission a draft of a master plan under the Marine Life Protection Act on or before January 1, 2002, a proposed final master plan on or before April 1, 2002, and a final master plan on or before July 1, 2002.*

*This bill would require the department to submit to the commission a draft of a master plan under the Marine Life Protection Act on or before May 1, 2002, a proposed final master plan on or before August 1, 2002, and a final master plan with regulations on or before December 1, 2002.*

*(3) Existing law requires the commission to annually, until the master plan is adopted, and thereafter at least every 3 years, receive, consider, and promptly act upon petitions from the department or any other interested party, to add, delete, or modify marine protected areas.*

*This bill would delete the requirement that the commission promptly act upon a petition from the department.*

*(4) Existing law prohibits any person from taking abalone for commercial purposes in specified districts. Existing law establishes a rebuttable presumption, affecting the burden of producing evidence, that a person who is required to obtain a license to take a fish, reptile, or amphibia, and who takes or possesses more than 12 individual abalone possess the abalone for commercial purposes.*

*This bill would additionally establish that rebuttable presumption if a person who is required to obtain a license takes abalone in excess of the annual bag limit.*

*(5) Existing law, until January 1, 2002, provides for the issuance of a sport fishing license, to a resident or nonresident, over the age of 16 years, for 2 consecutive designated days, upon the payment of a base fee. On and after January 1, 2002, existing law authorizes a license for one designated day.*

*This bill would extend the operative date of the current law authorizing a license for 2 consecutive days and repeal the section that would become operative on January 1, 2002, authorizing a license for one designated day.*

*(6) Existing law establishes a procedure for a person holding a valid sport fishing license to obtain a second-rod sport fishing stamp from the department.*



*This bill would authorize any person who has a valid second-rod sport fishing license stamp attached to a valid sport fishing license to fish with 2 rods in the Colorado River district in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.*

*(7) Existing law requires fees received by the department for a striped bass stamp to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely to produce striped bass, increase the number of striped bass, and to help restore aquatic habitat for striped bass, and to fund any other recommendation made by the Striped Bass Stamp Fund Advisory Committee, except that 15% of the funds are required to be used for projects that benefit salmon.*

*This bill would require the department to spend the funds in that account solely to increase the abundance of striped bass, consistent with state and federal Endangered Species Act requirements, and consistent with the striped bass policy goals established by the commission, and to fund any other recommendations made by the advisory committee. The bill would delete the requirement that 15% of the funds be used for projects that benefit salmon.*

*(8) Existing law requires the Director of Fish and Game to appoint the advisory committee. Existing law requires the advisory committee to annually recommend to the department projects and budgets for the expenditure of revenue.*

*This bill would require the department to notify the committee prior to placing funding provisions in the budget.*

*(9) Existing law, until January 1, 2002, requires a person taking striped bass to have a striped bass stamp affixed to his or her sport fishing license. Under existing law, the stamp is issued by the ~~Department of Fish and Game~~ department for a fee of \$3.50. The revenue from the fees is required to be used for specified purposes relating to striped bass, as recommended by the ~~Striped Bass Stamp Fund Advisory Committee~~ advisory committee appointed by the ~~Director of Fish and Game~~ director. Existing law requires that the revenues from the stamp fees be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund used to carry out the Fish and Game Code.*

*This bill would extend those provisions until January 1, ~~2007~~ 2004. Since a violation of these provisions would be a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.*

~~(2)~~

*(10) Existing law requires the department to issue a commercial fishing salmon stamp to a person who is 16 years of age or more but less than 18 years of age for 1/2 of a specified fee.*

*This bill would delete that provision.*

*(11) Existing law generally prohibits anyone who is between 16 and 70 years of age from taking salmon for commercial purposes or being on board a vessel on which salmon are taken for commercial purposes while salmon are being taken or transported unless that person has a commercial fishing stamp affixed to his or her commercial fishing license. Existing law also prohibits the operator of a vessel on which salmon are taken for commercial purposes from permitting those persons on board while salmon are being taken or transported.*

*This bill would apply those prohibitions, instead, to persons between 18 and 70 years of age.*

~~(3)~~

*(12) Under existing law, no person may take, possess aboard a boat, or land sea cucumbers for commercial purposes except under a sea cucumber permit. That existing law provides for the department to issue and renew sea cucumber permits for specified fees. This existing law will become inoperative on April 1, 2002, and will be repealed on January 1, 2003.*

*This bill would continue the operation of that law until April 1, 2007, and would repeal it on January 1, 2008.*

*Other provisions of existing law make a violation of the laws relating to taking, possessing, and landing sea cucumbers for commercial purposes a crime.*

*This bill would impose a state-mandated local program by extending the period for the operation of that law.*

~~(4)~~

*(13) Existing law requires every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, to submit an application for commercial boat registration and to be issued a registration number upon payment of specified fees.*

*This bill would specify that the above provisions do not apply to any person required to be licensed as a guide.*

*(14) Existing law requires landing taxes to be paid monthly to the department within 60 days after the close of each month.*



*This bill would require landing taxes to be paid quarterly to the department within 30 days of the close of each quarter.*

(15) Existing law prohibits a squid light boat from being operated unless the owner of the boat has been issued a commercial squid light boat owner's permit by the department and a permit number is affixed to the boat in the manner prescribed by the department.

This bill would prohibit any person who is issued a market squid light boat owner's permit from selling, trading, or transferring the permit to another person. Since a violation of this provision would be a misdemeanor under existing law, the bill would impose a state-mandated local program by creating a new crime.

~~(5) Existing law authorizes the issuance of drift gill net shark and swordfish permits to any prior permittee who meets certain requirements, including the requirement that during one of the 2 immediately preceding permit years, the permittee either landed at least 2,500 pounds of swordfish or 1,000 pounds of shark or landed shark or swordfish for which the permittee was paid at least \$1,000.~~

~~This bill would eliminate that requirement.~~

~~(6)–~~

(16) Existing law prohibits finfish, other than hagfish, from being taken with traps for commercial purposes in ocean waters between Port Arguello and the United States-Mexico international boundary, except under a valid finfish trap permit issued to that person that has not been suspended or revoked.

This bill would exempt sablefish from that prohibition. The bill would impose conditions on general traps used to take sablefish for commercial purposes in that area. Since a violation of these conditions would be a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.

~~Under existing law, finfish trap permits are issued to persons who meet certain requirements, including the requirement that the person landed at least 50 pounds of finfish, other than hagfish, taken in finfish traps as reported on one or more fish landing receipts during the immediately preceding permit year.~~

~~This bill would eliminate that requirement.~~

~~(7)–~~

(17) Existing law, until April 1, 2002, authorizes finfish to be taken with finfish traps subject to prescribed conditions.

This bill would make that provision inoperative on April 1, 2007, and would repeal it on January 1, 2008. Since a violation of this provision would be a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.

~~(8)–~~

*(18) This bill would make various technical, nonsubstantive changes. The bill would designate the department offices in Belmont and Los Alamitos, among others, instead of Menlo Park and Long Beach, among others, as the contact office for when a person is unable to recover a set net.*

*(19) Existing law requires a court to order the department to permanently revoke and the department to revoke the commercial fishing license and any commercial fishing licenses of any person convicted of either removing abalone from the shell or possessing abalone illegally removed from the shell or taking or possessing abalone that are less than the minimum size if the person possessed more than 24 abalone at the time of the offense.*

*This bill would change the above requirement to 12 abalone at the time of the offense. Since a violation of this provision would be a misdemeanor under existing law, the bill would impose a state-mandated local program by creating a new crime.*

*(20) Existing law imposes specified punishment if a person is convicted of a violation of specified law in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or more than 100 abalone during a calendar year.*

*This bill would impose the punishment for a violation of specified law in an area closed to the taking of abalone for commercial purposes if the person takes or possesses more than 12 abalone at one time or takes abalone in excess of the annual bag limit.*

*(21) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to carry out the Fish and Game Code. Because this bill would extend existing duties imposed on the department and would extend the period of time in which fees would be deposited into the Fish and Game Preservation Fund, the bill would make an appropriation.*

~~(9)–~~

*(22) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the*

state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1.   *Section 1050.6 is added to the Fish and Game*  
2     *Code, to read:*  
3     1050.6.   (a) *Except as otherwise provided in this section, the*  
4     *names and addresses contained in records submitted and retained*  
5     *by the department for the purpose of obtaining recreational fishing*  
6     *and hunting licenses are confidential and are not public records.*  
7     (b) *Notwithstanding any other provision of law, the department*  
8     *may release the confidential information described in subdivision*  
9     *(a) under the following circumstances:*  
10    (1) *To an agent or authorized family member of the person to*  
11    *whom the information pertains.*  
12    (2) *To an officer or employee of another governmental agency*  
13    *when necessary for the performance of his or her official duties.*  
14    (3) *In accordance with Section 391.*  
15    (4) *Pursuant to a court order.*  
16    SEC. 2.   *Section 1700 of the Fish and Game Code is amended*  
17    *to read:*  
18    1700.   It is hereby declared to be the policy of the state to  
19    encourage the conservation, maintenance, and ~~utilization~~  
20    sustainable use of the inland aquatic living resources of the ocean  
21    and other waters under the jurisdiction and influence of the state  
22    for the benefit of all the citizens of the state and to promote the  
23    development of local fisheries and distant water fisheries based in  
24    California in harmony with international law respecting fishing  
25    and the conservation of the living resources of the oceans and other  
26    waters under the jurisdiction and influence of the state. This policy  
27    shall include all of +the following objectives:  
28    (a) The maintenance of sufficient populations of all species of  
29    aquatic organisms to insure their continued existence.



1 (b) The recognition of the importance of the aesthetic,  
2 educational, scientific, and nonextractive recreational uses of ~~the~~  
3 *inland aquatic* living resources of the California Current.

4 (c) The maintenance of a sufficient resource to support a  
5 reasonable sport use, where a species is the object of sport fishing,  
6 taking into consideration the necessity of regulating individual  
7 sport fishery bag limits to the quantity that is sufficient to provide  
8 a satisfying sport.

9 (d) The growth of local commercial fisheries, consistent with  
10 aesthetic, educational, scientific, and recreational uses of such  
11 living resources, the utilization of unused resources, taking into  
12 consideration the necessity of regulating the catch within the limits  
13 of ~~maximum sustainable yields, and the development of~~  
14 ~~distant water and overseas fishery enterprises~~ *sustainable use*.

15 ~~(e) The management, on a basis of adequate scientific~~  
16 ~~information promptly promulgated for public scrutiny, of the~~  
17 ~~fisheries under the state's jurisdiction, and the participation in the~~  
18 ~~management of other fisheries in which California fishermen are~~  
19 ~~engaged, with the objective of maximizing the sustained harvest.~~

20 ~~(f)~~

21 (e) The development of commercial aquaculture.

22 (f) *This section applies to waters of the state not governed by*  
23 *the policies of subdivision (a) of Section 7051.*

24 SEC. 3. Section 2859 of the Fish and Game Code is amended  
25 to read:

26 2859. (a) On or before ~~January~~ *May* 1, 2002, the department  
27 shall submit to the commission a draft of the master plan prepared  
28 pursuant to this chapter.

29 (b) On or before ~~April~~ *August* 1, 2002, after public review, not  
30 less than three public meetings, and appropriate modifications of  
31 the draft plan, the department shall submit a proposed final master  
32 plan to the commission. On or before ~~July~~ *December* 1, 2002, the  
33 commission shall adopt a final master plan and a Marine Life  
34 Protection Program *with regulations* based on the plan and shall  
35 implement the program, to the extent funds are available. The  
36 commission's adoption of the plan and a program based on the plan  
37 shall not trigger an additional review under the California  
38 Environmental Quality Act (Division 13 (commencing with  
39 Section 21000) of the Public Resources Code).



(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any duly noticed subsequent meeting.

~~(d) Notwithstanding Section 7550.5 of the Government Code,~~  
 upon Upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.

*SEC. 4. Section 2861 of the Fish and Game Code is amended to read:*

2861. (a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from ~~the department or~~ any other interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.

~~(b) Notwithstanding Section 7550.5 of the Government Code,~~  
 prior Prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.

(c) Nothing in this chapter shall restrict any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission

1 may abbreviate the master plan process to account for equivalent  
2 activities that have taken place before enactment of this chapter,  
3 providing that those activities are consistent with this chapter.

4 *SEC. 5. Section 5521.5 of the Fish and Game Code is*  
5 *amended to read:*

6 5521.5. (a) In addition to the moratorium imposed by Section  
7 5521, and notwithstanding any other provision of law, it is  
8 unlawful to take abalone for commercial purposes in District 6, 7,  
9 16, 17, or 19A, in District 10 north of Point Lobos, or in District  
10 20 between Southeast Rock and the extreme westerly end of Santa  
11 Catalina Island.

12 (b) There shall be a rebuttable presumption, affecting the  
13 burden of producing evidence, that a person who is required to  
14 obtain a license pursuant to Section 7145 and who takes or  
15 possesses more than 12 individual abalone *or takes abalone in*  
16 *excess of the annual bag limit* possesses the abalone for  
17 commercial purposes.

18 *SEC. 6. Section 6430 of the Fish and Game Code is amended*  
19 *to read:*

20 6430. The Legislature finds and hereby declares that the  
21 state's sport and commercial fisheries are resources of great  
22 economic and recreational importance. These resources are  
23 threatened by the introduction of aquatic organisms from foreign  
24 ports brought in by means of the ballast water of freighters and  
25 tankers. Several planktonic and benthic organisms, at least one of  
26 which is associated with the decline of an important striped bass  
27 food organism in the Sacramento-San Joaquin Estuary, have been  
28 introduced into the waters of the state with negative consequences.  
29 The introduction of ~~exotic eel grass~~ *eastern cordgrass* into  
30 Humboldt Bay and many estuaries along the Pacific Coast has  
31 created a variety of problems. The introduction of harmful,  
32 nonindigenous organisms is occurring in other estuarine and  
33 coastal areas all along the West Coast, and has already taken place  
34 in other regions of the United States, such as the Great Lakes, with  
35 consequent harm to fisheries and ecosystems. Furthermore, ballast  
36 water may contain viruses and bacteria, and has, therefore, been  
37 recognized by the International Maritime Organization as a  
38 possible method of introducing diseases harmful to indigenous  
39 human, animal, and plant life. The Legislature therefore declares  
40 that the people of the state have a primary interest in the regulation

of the dumping of ballast water originating in foreign ports in any river, estuary, bay, or coastal area of this state.

*SEC. 7. Section 7149 of the Fish and Game Code, as added by Section 6 of Chapter 247 of the Statutes of 1998, is repealed.*

~~7149. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:~~

~~(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars seventy-five cents (\$16.75), as adjusted under Section 713.~~

~~(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.~~

~~(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.~~

~~(4) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.~~

~~(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.~~

~~(c) A sport ocean fin fishing license granting the privilege to take only fin fish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.~~

~~(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.~~

~~(e) California sportfishing license stamps shall be sold by license agents in the same manner as sportfishing licenses, and no compensation may be paid to the license agent for sale of the stamps except as provided in Section 1055.~~

~~(f) This section shall become operative on January 1, 2002.~~

*SEC. 8. Section 7149 of the Fish and Game Code, as amended by Section 5 of Chapter 247 of the Statutes of 1998, is amended to read:*

7149. (a) A ~~sportfishing~~ *sport fishing* license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars *and* seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than

profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean fin fishing license granting the privilege to take only fin fish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California ~~sportfishing~~ *sport fishing* license stamps shall be sold by license agents in the same manner as ~~sportfishing sport fishing~~ licenses, and no compensation may be paid to the license agent for sale of the stamps except as provided in Section 1055.

~~(f) This section shall remain in effect until January 1, 2002, and as of that date is repealed unless a later enacted statute, which is enacted on or before January 1, 2002, deletes or extends that date.~~

*SEC. 9. Section 7149.4 of the Fish and Game Code is amended to read:*

7149.4. (a) ~~A~~ Any person holding a valid ~~sportfishing sport fishing~~ license issued pursuant to subdivision (a) of Section 7149 may obtain a second-rod ~~sportfishing sport fishing~~ stamp from the department. ~~A~~ Any person who has a valid second-rod ~~sportfishing sport fishing~~ license stamp attached to his or her valid ~~sportfishing sport fishing~~ license issued pursuant to subdivision (a) of Section 7149 may fish *with two rods* in inland lakes and reservoirs ~~with two rods~~ in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) *In the Colorado River District, any person who has a valid second-rod sport fishing license stamp attached to his or her valid sport fishing license issued pursuant to subdivision (a) of Section 7149 may fish with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.*

1 (c) The department shall issue a second-rod ~~sportfishing~~ *sport*  
2 *fishing* license stamp upon payment of seven dollars and fifty cents  
3 (\$7.50) during the 1995 calendar year and subsequent years, as  
4 adjusted under Section 713.

5 *SEC. 10. Section 7361 of the Fish and Game Code is amended*  
6 *to read:*

7 7361. Fees received by the department pursuant to Section  
8 7360 shall be deposited in a separate account in the Fish and Game  
9 Preservation Fund. The department shall expend the funds in that  
10 account solely to ~~produce striped bass, increase the number of~~  
11 ~~striped bass, and to help restore aquatic habitat for striped bass,~~  
12 *increase the abundance of striped bass consistent with state and*  
13 *federal Endangered Species Act requirements, by producing*  
14 *striped bass and restoring their aquatic habitat, with the goal of*  
15 *restoring a self-sustaining, naturally reproducing Bay-Delta*  
16 *striped bass population, consistent with the striped bass policy*  
17 *goals established by the commission; and to fund any other*  
18 *recommendations made by the Striped Bass Stamp Fund Advisory*  
19 *Committee appointed pursuant to Section 7362, except that 15*  
20 ~~percent of the funds derived pursuant to this article shall be used~~  
21 ~~for projects that benefit salmon habitat. No funds in this account~~  
22 ~~shall be used in lieu of other funds appropriated by any statute in~~  
23 ~~existence on January 1, 1998, for striped bass production and~~  
24 ~~restoration. Funds received pursuant to Section 7360 may not be~~  
25 ~~used for striped bass production and restoration in lieu of annual~~  
26 ~~funding from the sale of fishing licenses, from Federal Aid in Sport~~  
27 ~~Fish Restoration Act (16 U.S.C. Secs. 777 to 777l, inclusive)~~  
28 ~~revenues, or from an appropriation by any statute in existence on~~  
29 ~~January 1, 1998.~~

30 *SEC. 11. Section 7362 of the Fish and Game Code is amended*  
31 *to read:*

32 7362. (a) The director shall appoint a Striped Bass Stamp  
33 Fund Advisory Committee, consisting of nine members. The  
34 members of the committee shall be selected from names of persons  
35 submitted by striped bass anglers and associations representing  
36 striped bass anglers of this state and shall serve at the discretion of  
37 the director. The director shall appoint persons to the committee  
38 who possess experience in subjects with specific value to the  
39 committee and shall attempt to balance the perspective of different  
40 groups of persons.



(b) The advisory committee shall annually recommend to the department projects and budgets for the expenditure of revenue received pursuant to Section 7360. The department shall give full and complete consideration to the committee's recommendations. In submitting recommendations for the Governor's Budget, the department may recommend programs for funding that are not contained in the committee's recommendation, except that all revenue raised pursuant to Section 7360 shall be spent in accordance with Section 7361. *The department shall notify the committee prior to placing funding provisions in the budget.* The department shall submit to the committee an annual accounting of funds derived from striped bass stamps, including the number of stamps sold, funds generated and expended, and a status report of programs funded pursuant to this article.

SEC. 12. Section 7363 of the Fish and Game Code is amended to read:

7363. This article shall remain in effect only until January 1, 2007 2004, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2007 2004, deletes or extends that date.

SEC. 2.—

SEC. 13. Section 7852.3 of the Fish and Game Code is amended to read:

7852.3. (a) The department shall issue a commercial fishing license to a person who is 16 years of age or more but less than 18 years of age and who is actively assisting in fishing activities for a fee of thirty-five dollars (\$35).

~~(b) The department shall issue a commercial fishing salmon stamp to a person who is 16 years of age or more but less than 18 years of age for one-half of the fee prescribed in subdivision (c) of Section 7860.~~

~~(c) Nothing in this section affects other provisions of law relating to employment of minors.~~

SEC. 14. Section 7860 of the Fish and Game Code is amended to read:

7860. (a) Except as provided in subdivision (f) or (g), no person who is 18 years of age or more and less than 70 years of age, on or before April 1 of the current license year, shall take salmon for commercial purposes or be on board a vessel on which salmon are taken for commercial purposes while salmon are being taken



1 or transported unless that person has a commercial fishing salmon  
2 stamp issued pursuant to this section affixed to his or her  
3 commercial fishing license.

4 (b) Except as provided in subdivision (f) or (g), the operator of  
5 a vessel on which salmon are taken for commercial purposes shall  
6 not permit a person on board that vessel while salmon are being  
7 taken or transported unless that person was less than 18 years of  
8 age or 70 years of age or more on April 1 of the current license year  
9 or that person has a commercial fishing salmon stamp affixed to  
10 the person's commercial fishing license.

11 (c) Except as provided in subdivision (b) of Section 7852.3 and  
12 this subdivision, the department shall issue a commercial fishing  
13 salmon stamp upon application therefor and payment of the fee of  
14 eighty-five dollars (\$85). For any commercial salmon season  
15 preceded by a commercial salmon season in which the commercial  
16 troll salmon landings in this state equal or exceed 3,000,000  
17 pounds dressed weight, as determined by the department, the fee  
18 shall be increased by twelve dollars and fifty cents (\$12.50) for  
19 every 250,000 pounds over 3,000,000 pounds of dressed weight  
20 landings, except that the total fees as adjusted shall not exceed two  
21 hundred sixty dollars (\$260).

22 (d) A commercial fishing salmon stamp is valid during the  
23 commercial salmon season of the year in which it was issued.

24 (e) Notwithstanding Section 1053, upon application and  
25 payment of an additional fee equal to that prescribed in subdivision  
26 (c), the department may issue an additional commercial fishing  
27 salmon stamp for a crewmember to the owner or operator of a  
28 vessel who holds a commercial fishing salmon stamp.

29 (f) Notwithstanding subdivision (a), one crewmember of a  
30 vessel for which a commercial fishing salmon stamp is issued  
31 pursuant to subdivision (e) may be aboard that vessel and take  
32 salmon for commercial purposes as a crewmember on that vessel  
33 without obtaining a commercial fishing salmon stamp under the  
34 following conditions:

35 (1) The crewmember is designated by name and commercial  
36 fishing license number on a form furnished by the department  
37 before salmon are taken on the vessel when that crewmember is  
38 aboard.

39 (2) The crewmember has a valid commercial fishing license  
40 issued under Section 7850.

(3) The commercial fishing salmon stamp for the crewmember is affixed to the form prescribed in paragraph (1) on which the vessel registration number of the vessel is entered and on which the crewmember who is exempted by this subdivision is designated by the last entered name and commercial fishing license number.

(g) Persons who are exempt from the license requirements, or who are not required to be licensed, pursuant to Section 7850, are exempt from the requirements of this section.

~~SEC. 3.—~~

*SEC. 15. Section 7881 of the Fish and Game Code is amended to read:*

7881. (a) Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, shall submit an application for commercial boat registration on forms provided by the department and shall be issued a registration number.

(b) Upon payment of a fee of two hundred dollars (\$200) by the resident owner or operator of the vessel, the department shall issue a commercial boat registration. The commercial boat registration shall be carried aboard the vessel at all times and posted in a conspicuous place.

(c) Upon payment of a fee of four hundred dollars (\$400) by the nonresident owner or operator of the vessel, the department shall issue a commercial boat registration. The commercial boat registration shall be carried aboard the vessel at all times and posted in a conspicuous place.

(d) If a registered vessel is lost, destroyed, or sold, the owner of the vessel shall immediately report the loss, destruction, or sale to the department.

(e) *This section does not apply to any person required to be licensed as a guide pursuant to Section 2536.*

*SEC. 16. Section 8053 of the Fish and Game Code is amended to read:*

8053. Landing taxes imposed by this article shall be paid ~~monthly~~ *quarterly* to the department within ~~60~~ 30 days after the close of each ~~month~~ *quarter*.

If any landing tax is not paid within ~~60~~ 30 days after the close of the ~~month~~ *quarter* for which it is due, the department shall collect amounts owing under the procedures prescribed for sales

1 and use taxes provided in Chapter 5 (commencing with Section  
2 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of  
3 Division 2 of the Revenue and Taxation Code, insofar as they may  
4 be applicable, and for those purposes, “board” means the  
5 department and “the date on which the tax became due and  
6 payable” means that date ~~60~~ 30 days after the close of the ~~month~~  
7 *quarter* for which it is due.

8 *SEC. 17.* Section 8405.4 of the Fish and Game Code is  
9 amended to read:

10 8405.4. This article shall become inoperative on April 1,  
11 2007, and as of January 1, 2008, is repealed, unless a later enacted  
12 statute that is enacted before January 1, 2008, deletes or extends  
13 the dates on which it becomes inoperative and is repealed.

14 ~~SEC. 4.~~

15 *SEC. 18.* Section 8423 of the Fish and Game Code is amended  
16 to read:

17 8423. (a) No person shall operate a squid light boat unless the  
18 owner of the boat has been issued a commercial squid light boat  
19 owner’s permit by the department and a permit number is affixed  
20 to the boat in the manner prescribed by the department.

21 (b) The department shall issue a commercial squid light boat  
22 owner’s permit to a person who submits an application, pays the  
23 permit fee, and meets the other requirements of this section.

24 (c) The department may regulate the use of squid light boats  
25 consistent with the regulations established for commercial squid  
26 vessels.

27 (d) The fee for a commercial squid light boat owner’s permit  
28 shall be four hundred dollars (\$400).

29 (e) It is unlawful for a person to engage in the following  
30 activities, unless the vessel used for the activity has been issued a  
31 commercial market squid vessel permit or the person holds a  
32 commercial squid light boat owner’s permit:

33 (1) Attracting squid by light displayed from a vessel, except  
34 from a vessel deploying nets for the take, possession, and landing  
35 of squid or except from the seine skiff of the vessel deploying nets  
36 for the take, possession, and landing of squid.

37 (2) Attracting squid by light displayed from a vessel whose  
38 primary purpose is other than the deployment, or assistance in the  
39 deployment, of nets for the take, possession, and landing of squid.

(f) A commercial squid light boat owner's permit shall be issued to a person who is the owner of record of a vessel that is registered with the department pursuant to Section 7881. For purposes of this subdivision, an owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

(g) No person who is issued a market squid light boat owner's permit shall sell, trade, or transfer the permit to another person.

~~SEC. 5.— Section 8568 of the Fish and Game Code is amended to read:~~

~~8568. Drift gill net shark and swordfish permits shall be issued to any prior permittee who possesses a valid drift gill net shark and swordfish permit issued pursuant to this section, but only if the permittee meets all of the following requirements:~~

~~(a) Possesses a valid permit for the use of gill nets authorized pursuant to Section 8681.~~

~~(b) Possessed a valid drift gill net shark and swordfish permit during the preceding season and that permit was not subsequently revoked.~~

~~SEC. 6.—~~

*SEC. 19. Section 8552.6 of the Fish and Game Code is amended to read:*

8552.6. (a) Notwithstanding Section 8552, a herring permit may be issued to two individuals if the individuals are married to each other and file with the department a certified copy of their certificate of marriage and a declaration under penalty of perjury, or a court order, stating that the permit is community property or if (1) *the individuals are both* ~~are~~ engaged in the herring roe fishery either by fishing aboard the vessel or by personally participating in the management, administration, and operation of the partnership's herring fishing business and (2) there is a partnership constituting equal, 50 percent, ownership in a herring fishery operation, including a vessel or equipment, and that partnership is demonstrated by any two of the following:

(A) A copy of a federal partnership tax return.

(B) A written partnership agreement.

(C) Joint ownership of a fishing vessel used in the herring fishery as demonstrated on federal vessel license documents.

(b) For purposes of this section, a herring permit does not constitute a herring fishing operation. A herring permit may be transferred to one of the partners to be held thereafter in that

1 partner's name only if that partner has not less than 10 points  
2 computed pursuant to paragraph (2) of subdivision (a) of Section  
3 8552.8 and there has been a death or retirement of the other partner,  
4 a dissolution of partnership, or the partnership is dissolved by a  
5 dissolution of marriage or decree of legal separation. A transfer  
6 under this section shall be authorized only if proof that the  
7 partnership has existed for three or more consecutive years is  
8 furnished to the department or a certified copy of a certificate of  
9 marriage is on file with the department and the permit is  
10 community property as provided in subdivision (a). The transferor  
11 of a permit shall not, by reason of the transfer, become ineligible  
12 to participate further in the herring fishery or to purchase another  
13 permit.

14 (c) Notwithstanding subdivision (b), in the event of the death  
15 of one of the partners holding a herring permit pursuant to this  
16 section, where the partnership existed for longer than six months  
17 but less than three years and the surviving partner does not have  
18 the minimum points pursuant to subdivision (b) to qualify for a  
19 permit transfer, the permit may be transferred on an interim basis  
20 for a period of not more than 10 years to the surviving partner if  
21 an application is submitted to the department within one year of the  
22 deceased partner's death and the surviving partner participates in  
23 the fishery for the purpose of achieving the minimum number of  
24 points to be eligible for a permit transfer pursuant to Section  
25 8552.2. The interim permit shall enable the surviving partner to  
26 participate in the herring fishery. At the end of the interim permit  
27 period, the surviving partner, upon application to the department,  
28 may be issued the permit if he or she has participated in the fishery  
29 and gained the minimum number of experience points for a permit.

30 *SEC. 20. Section 8601.5 of the Fish and Game Code is*  
31 *amended to read:*

32 8601.5. (a) Set nets and set lines shall be marked at both ends  
33 with buoys displaying above their waterlines, in numerals at least  
34 2 inches high, the fisherman's identification number.

35 (b) Each piece or panel of a set net shall be marked along the  
36 corkline of the net, in a manner determined by the department to  
37 adequately identify the net, with the fisherman's identification  
38 number. The distance between the markings shall not exceed 45  
39 fathoms. If the lost or abandoned net is recovered by the  
40 department or persons designated by the department, the

1 commission may require the owner of the lost or abandoned net to  
2 pay for all recovery costs. The commission may revoke the  
3 owner's set net permit issued pursuant to Section 8681 for failure  
4 to comply with this subdivision.

5 (c) If a person is unable to recover a set net or portion of a set  
6 net, the person shall contact one of the department offices located  
7 in the City of ~~Menlo Park~~ *Belmont*, Monterey, ~~Long Beach~~ *Los*  
8 *Alamitos*, or San Diego, not later than 72 hours after returning to  
9 port following the loss and shall report all of the following  
10 information:

11 (1) The date and time when the set net was lost.

12 (2) The location, including depth, where the net was lost.

13 (3) A description of the lost net, including the mesh size,  
14 length, height, and target species, and whether anchors remain  
15 attached to the net.

16 (4) The name and fisherman's identification number of the  
17 person owning the net.

18 (5) The name and fisherman's identification number of the  
19 person fishing with the net, if different from paragraph (4).

20 (6) The name and California Fish and Game number of the  
21 vessel from which the lost net was being fished.

22 *SEC. 21.* Section 9001.5 of the Fish and Game Code is  
23 amended to read:

24 9001.5. (a) Finfish, other than sablefish and hagfish, shall not  
25 be taken with traps for commercial purposes in ocean waters  
26 between a line extending due west true from Point Arguello in  
27 Santa Barbara County and the United States-Mexico international  
28 boundary line except under a valid finfish trap permit issued to the  
29 person that has not been suspended or revoked. At least one person  
30 aboard each commercial fishing vessel shall have a valid finfish  
31 trap permit. Notwithstanding Section 9001, a finfish trap  
32 permitholder is not required to obtain or possess a valid general  
33 trap permit when taking finfish with traps. Any person who assists  
34 in the taking of finfish with traps shall have either a finfish trap  
35 permit or a valid general trap permit.

36 (b) A finfish trap permit shall only be issued to a person who  
37 held a finfish trap permit to take finfish during the immediately  
38 preceding permit year that has not been suspended or revoked *and*  
39 *who landed at least 50 pounds of finfish, other than hagfish, taken*  
40 *in finfish traps as reported on one or more fish landing receipts*

1 *during the immediately preceding permit year.* Applications for  
2 renewal of a finfish trap permit shall be received by the  
3 department, or, if mailed, postmarked, by May 31 of each year.

4 ~~SEC. 7.~~

5 *SEC. 22.* Section 9001.6 of the Fish and Game Code is  
6 amended to read:

7 9001.6. (a) A finfish trap permit issued pursuant to Section  
8 9001.5 authorizes finfish to be taken with finfish traps only subject  
9 to the following limitations:

10 (1) No lobster may be possessed aboard or landed from any  
11 vessel for commercial purposes on which finfish are also present  
12 unless at least one person on board has a valid finfish trap permit  
13 issued to that person pursuant to Section 9001.5 that has not been  
14 suspended or revoked and every person on board has a valid lobster  
15 permit issued pursuant to Section 8254 that has not been suspended  
16 or revoked and is in compliance with this article and Article 5  
17 (commencing with Section 8250) of Chapter 2 and the regulations  
18 adopted pursuant to these articles. Lobster may not be used as bait  
19 in finfish traps, and any lobster found in finfish traps that may not  
20 be possessed pursuant to this article or Article 5 (commencing with  
21 Section 8250) of Chapter 2 shall be returned to the water  
22 immediately.

23 (2) During the period from one hour after sunset to one hour  
24 before sunrise finfish traps that are left in the water shall be  
25 unbaited with the door secured open. However, if, for reasons  
26 beyond the control of the permittee, all trap doors cannot be  
27 secured open prior to one hour after sunset, the permittee shall  
28 immediately notify the department.

29 (3) Timed buoy release mechanisms commonly termed  
30 “popups” may not be used on buoy lines attached to finfish traps.

31 (4) Trap destruction devices used on finfish traps shall conform  
32 to the current requirements for those devices adopted by the  
33 commission.

34 (5) No finfish traps may be within 750 feet of any pier,  
35 breakwall, or jetty in District 19, 19A, 19B, 20, 20A, 20B, or 21.

36 (6) Not more than 50 finfish traps may be used in state waters  
37 along the mainland shore.

38 (7) The mesh of any finfish trap shall measure two inches by  
39 two inches.



(b) The fee for the finfish trap permit issued pursuant to Section 9001.5 is one hundred ten dollars (\$110).

(c) Under a general trap permit issued pursuant to Section 9001, Korean traps, defined as molded plastic cylinders not exceeding 6 inches in diameter and 24 inches in length, or “bucket traps” constructed of plastic buckets of five gallons or less in capacity, may be used to take only hagfish for commercial purposes. The number of traps that may be possessed on board a vessel and in the water for the purposes of taking hagfish shall not exceed 500 Korean traps or 200 bucket traps. No permittee may possess both Korean traps and other types of traps aboard a vessel at the same time. When Korean traps or bucket traps are being used or possessed aboard a boat, no species of finfish other than hagfish shall be taken, possessed aboard a boat, or sold for commercial purposes.

(d) This section shall become inoperative on April 1, 2007, and as of January 1, 2008, is repealed, unless a later enacted statute that is enacted before January 1, 2008, deletes or extends that date.

~~SEC. 8.~~

SEC. 23. Section 9001.8 is added to the Fish and Game Code, to read:

9001.8. In ocean waters between a line extending due west *true* from Point Arguello in Santa Barbara County and the United States-Mexico international boundary line, the following apply:

(a) Under a general trap permit issued pursuant to Section 9001, a trap used to take sablefish for commercial purposes shall be six feet or less in its greatest dimension.

(b) The mesh of any trap used for sablefish pursuant to this section shall measure not less than two inches by two inches.

(c) The buoy identification number for a sablefish trap or string of traps used under a general trap permit issued pursuant to Section 9001 is the commercial fishing license number issued to the operator of the trap pursuant to Section 7852, followed by the letter “B.”

(d) Under a general trap permit issued pursuant to Section 9001 and pursuant to this section, sablefish may be taken with traps only in waters 200 fathoms or greater in depth.

(e) No permittee may possess aboard a vessel at the same time, sablefish traps and any other commercial fishing gear, except that spot prawn traps may be possessed during spot prawn trap open

1 fishing periods as established by the Fish and Game Commission  
2 and if the permittee has a valid spot prawn trap permit issued  
3 pursuant to regulations adopted by the commission.

4 ~~SEC. 9.~~

5 *SEC. 24. Section 12002.8 of the Fish and Game Code is*  
6 *amended to read:*

7 12002.8. (a) The court shall order the department to  
8 permanently revoke and the department shall permanently revoke,  
9 the commercial fishing license and any commercial fishing  
10 permits of any person convicted of either of the following:

11 (1) Taking or possessing abalone out of season.

12 (2) Taking or possessing abalone taken illegally from any area  
13 north of Point Sur.

14 (b) The court shall order the department to permanently revoke  
15 and the department shall permanently revoke the commercial  
16 fishing license and any commercial fishing permits of any person  
17 convicted of either of the following two offenses, if the person  
18 possessed more than ~~24~~ 12 abalone at the time of the offense:

19 (1) Removing abalone from the shell or possessing abalone  
20 illegally removed from the shell.

21 (2) Taking or possessing abalone that are less than the  
22 minimum size.

23 (c) Any person sentenced pursuant to subdivision (a) or (b)  
24 shall not thereafter be eligible for any license or permit to take or  
25 possess fish for sport or commercial purposes.

26 (d) Notwithstanding Sections 12000, 12001, and 12002, the  
27 commercial fishing license of the master of a vessel may be  
28 revoked or suspended by the commission, when requested by the  
29 department, for a period not to exceed one year, upon the second  
30 conviction in three years of the master or the master's agent,  
31 servant, employee, or any other person acting under the master's  
32 direction or control, for a violation of any of the following  
33 provisions or regulations adopted pursuant thereto:

34 (1) Article 2 (commencing with Section ~~8150~~ 8150.5), Article  
35 3 (commencing with Section 8180), Article 4 (commencing with  
36 Section 8210), Article 5 (commencing with Section 8250), Article  
37 6 (commencing with Section 8275), Article 9 (commencing with  
38 Section 8370), Article 13 (commencing with Section 8495), and  
39 Article 15 (commencing with Section 8550) of Chapter 2 of Part  
40 3 of Division 6.

(2) Article 1 (commencing with Section 8601), Article 2 (commencing with Section ~~8620~~ 8623), Article 4 (commencing with Section 8660), Article 5 (commencing with Section ~~8685~~ 8680), Article 6 (commencing with Section 8720), Article 7 (commencing with Section 8750), Article 8 (commencing with Section 8780), and Article 10 (commencing with Section 8830) of Chapter 3 of Part 3 of Division 6.

(3) Article 1 (commencing with Section 9000) of Chapter 4 of Part 3 of Division 6.

(e) A master's license shall not be revoked unless both the first and second convictions are for a violation by the master or a violation occurring when the person convicted was acting as the master's agent, servant, employee, or acting under the master's direction or control.

(f) The master of a vessel is the person on board the vessel who is in charge of the vessel.

*SEC. 25. Section 12006.6 of the Fish and Game Code is amended to read:*

12006.6. Notwithstanding Section 12000 or 12002.8, and in addition to Section 12009, and notwithstanding the type of fishing license or permit held, if any person is convicted of a violation of Section 5521 or 5521.5, and the offense occurs in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or ~~more than 100 abalone during a calendar year~~ takes abalone in excess of the annual bag limit, that person shall be punished by all of the following:

(a) A fine of not less than fifteen thousand dollars (\$15,000) or more than forty thousand dollars (\$40,000).

(b) The court shall order the department to permanently revoke, and the department shall permanently revoke, the commercial fishing license and any commercial fishing permits of that person. The person punished under this subdivision shall not, thereafter, be eligible for any license or permit to take or possess fish for sport or commercial purposes, including, but not limited to, a commercial fishing license or a sport fishing or sport ocean fishing license. Notwithstanding any other provision of law, the commercial license or permit of a person arrested for a violation punishable under this section may not be sold, transferred, loaned,

1 leased, or used as security for any financial transaction until  
2 disposition of the charges is final.

3 (c) Any vessel, diving or other fishing gear or apparatus, or  
4 vehicle used in the commission of an offense punishable under this  
5 section shall be seized, and shall be ordered forfeited in the same  
6 manner prescribed for nets or traps used in violation of this code,  
7 as described in Article 3 (commencing with Section 8630) of  
8 Chapter 3 of Part 3 of Division 6, or in the manner prescribed in  
9 Section 12157.

10 (d) Not less than 50 percent of the revenue deposited in the Fish  
11 and Game Preservation Fund from fines and forfeitures collected  
12 pursuant to this section shall be allocated for the support of the  
13 Special Operations Unit of the Wildlife Protection Division of the  
14 department and used for law enforcement purposes.

15 SEC. 26. No reimbursement is required by this act pursuant  
16 to Section 6 of Article XIII B of the California Constitution  
17 because the only costs that may be incurred by a local agency or  
18 school district will be incurred because this act creates a new crime  
19 or infraction, eliminates a crime or infraction, or changes the  
20 penalty for a crime or infraction, within the meaning of Section  
21 17556 of the Government Code, or changes the definition of a  
22 crime within the meaning of Section 6 of Article XIII B of the  
23 California Constitution.

